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BOSTON SCIENTIFIC CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DONALD MASTERS,

Plaintiff,

v.

BOSTON SCIENTIFIC CORPORATION,
BOSTON SCIENTIFIC CORPORATION 2000
LONG TERM INCENTIVE PLAN and DOES 1-
50,

Defendant.

No. 5:07-cv-03792-JW

STIPULATION AND [PROPOSED]
ORDER REQUESTING MAGISTRATE
JUDGE SEEBORG FOR EARLY
SETTLEMENT CONFERENCE

Before the Honorable James Ware

WHEREAS, on February 20, 2008 all counsel participated in the Court's
Alternative Dispute Resolution Telephone Conference with Howard Herman regarding the
parties' request to have a United States Magistrate Judge preside over an early Settlement
Conference;

WHEREAS, Mr. Herman said he would recommend that arrangement, and that
the parties should raise it with Judge Ware at the Case Management Conference, which was
scheduled for February 26, 2008;

WHEREAS, on February 21, 2008 Judge Ware issued a Scheduling Order and
vacated the case management conference; and

1 WHEREAS, the parties were unable to discuss their request to have a United
2 States Magistrate Judge preside over an early Settlement Conference with Judge Ware and make
3 suitable arrangements.

4 THEREFORE IT IS HEREBY STIPULATED AND AGREED by and between
5 all of the attorneys of record of the parties in this action that the parties, pursuant to the approval
6 of the Court, will have Magistrate Judge Richard Seeborg preside over their early settlement
7 conference at the convenience of the Court's calendar.

8
9 DATED: March 11, 2008

Shopoff & Cavallo LLP

10
11 By: _____ /s/
12 Gregory S. Cavallo
13 Attorneys for Plaintiff
DONALD MASTERS

14 DATED: March 11, 2008

Bingham McCutchen LLP

15
16 By: _____ \s/
17 Thomas Kuhnle
18 Attorneys for Defendant
BOSTON SCIENTIFIC CORPORATION

19 IT IS SO ORDERED.

20
21 DATED: March ____, 2008

22
23 _____
24 Judge Ware
United States District Court Judge